

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2008-25

February 8, 2008

SUBJECT: Delegation of Authority Pursuant to D.C. Law 16-263, the Medical Malpractice Amendment Act of 2006

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) (2006 Repl.), and pursuant to section 202(b) of the Medical Malpractice Amendment Act of 2006 (Act), effective March 14, 2007, D. C. Law 16-263, D.C. Official Code § 7-161(b) (2007 Supp.), it is hereby **ORDERED** that:

1. The Mayor's authority and responsibility established pursuant to section 202(b) of the Act is delegated to the Director of the Department of Health.
2. The authority delegated herein to the Director may be further delegated by the Director to subordinates under his or her jurisdiction.
3. This Order supersedes any prior Mayor's Order to the extent of any inconsistency therein.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.


ADRIAN M. FENTY
MAYOR

ATTEST:


STEPHANIE D. SCOTT
SECRETARY OF THE DISTRICT OF COLUMBIA

Legal Counsel Division

MEMORANDUM

TO: John C. Greenhaugh
Senior Assistant Attorney General
Health Regulation and Licensing Administration
Department of Health

FROM: Wayne C. Witkowski
Deputy Attorney General
Legal Counsel Division

DATE: November 30, 2007

SUBJECT: Legal Sufficiency Review of Draft Mayor's Order Delegating Authority
Pursuant to the Medical Malpractice Amendment Act of 2006
(AM-06-563 D) (MID 184817)

This responds to your November 16, 2007 request that this Office review the above-referenced draft Mayor's Order (Order) for legal sufficiency.

The Order¹ would delegate the Mayor's authority and responsibility under section 202(b) of the Medical Malpractice Amendment Act of 2006 (Act), effective March 14, 2007, D. C. Law 16-263, D.C. Official Code § 7-161(b) (2007 Supp.).²

I find the attached revised copy of the Order³ to be legally sufficient.⁴

Should you have any questions regarding this memorandum, please contact either Mr. Grimaldi, at 724-5198, or me at 724-5524.

WCW/jjg

Attachment (as stated)

¹The Order is authorized by section 422(6) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, D.C. Official Code § 1-204.22(6) (2006 Repl.).

² Section 202(b) of the Act provides that "[o]n or before July 1, 2007, the Mayor shall establish, within the Department of Health, a centralized system for the collection and analysis of adverse events in the District of Columbia." Section 202(a)(1) of the Act (D.C. Official Code § 7-161(a)(1)) defines "adverse event" as "an event, occurrence, or situation involving the medical care of a patient by a health care provider that results in death or an unanticipated injury to the patient."

³ The revised Order reflects the editorial comments of Assistant Attorney General John J. Grimaldi, II, Legal Counsel Division.

⁴ The Office of Documents and Administrative Issuances has also approved the Order as to form.